

Excerpts
Planning Commission Minutes
October 11, 2000

Application Nos. ZM-52-00 and UP-561-00, Pyong Tuk Ko: Request to amend the York County Zoning Map by reclassifying a 0.7-acre parcel located at 601 Hampton Highway from R20 (Medium density single-family residential) to NB (Neighborhood Business), and request for a special use permit, pursuant to Section 24.1-306 (Category 9, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a Tae Kwon Do exercise/fitness center within an existing building located at 601 Hampton Highway. The property is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A. The Comprehensive Plan designates this area for Medium Density Residential development.

Mr. Michael King, assisted by a brief video, summarized his memorandum to the Commission dated September 12, 2000 in which the staff recommended approval of both resolutions, PC00-24 for amending the zoning map, and PC00-25 for the use permit. He stated the staff believes the proposed zoning amendment, if approved, will more accurately reflect the appropriate land use for the site.

Mr. Semmes asked what the original zoning classification was for the site and Mr. King said it appears to have been residential, R-17. Mr. Simasek, noting the applicant's proffer that prohibits a convenience store at the location, asked if a grocery store would be permitted and what the difference is between the two. Mr. King said primary distinctions between a convenience store and a grocery store are traffic volumes, size, and operating hours.

Mr. Beil asked if the Edgewood subdivision homeowners have commented, to which Mr. King reported he has heard no opposition from them and heard from one homeowner who supported the application. Mr. Beil inquired about the gasoline tanks that served the former convenience store on the site and Mr. King replied the tanks appear to have been removed from the ground.

Mr. Shepperd agreed the proposal would improve the "eyesore" that the building is now, but he asked about existing and future buffers and landscaping between the building and its closest neighbors. Mr. King suggested the applicant could answer the question, but the overall issue of buffers is under review during the current Zoning Ordinance rewrite and could be revised. Mr. Shepperd also questioned why the proposed zoning is NB (Neighborhood Business) when the zoning directly across Route 134 is GB (General Business). Mr. King explained that a NB classification recognizes the relatively small lot and the residential area directly behind the lot. Mr. Bob Baldwin added that NB should generate less traffic than GB and a less negative impact while offering a range of opportunities to the property owner. Mr. Shepperd believed it would make more sense to rezone the parcel to GB (General Business) and that the inconsistency should be addressed. He was not opposed to the two applications, however.

Chair Semmes opened the public hearing. There being no one to speak, Mr. Semmes closed the public hearing.

Mr. Simasek inquired of the time frame for opening the proposed business.

Mr. Pyung Tuk Ko, 980 J. Clyde Morris Boulevard, Newport News, said he will open the business as soon as possible after approval and after all of the exterior and interior improvements are completed. Responding to Mr. Shepperd, he said he would offer training in tae kwon do, tai chi and Chinese martial arts. He spoke of the ages of the expected clientele and the anticipated hours of operation for various age groups.

Mr. Shepperd moved to adopt Resolution PC00-24 to recommend approval of the zoning reclassification. It passed unanimously (6:0, Mr. Heavner absent).

Resolution PC00-24

On motion of Mr. Shepperd, which carried 6:0 (Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-52-00 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 0.7 ACRE LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134) FROM R20 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, Riley B. Lowe has submitted Application No. ZM-52-00 which requests an amendment to the York County Zoning Map by reclassifying from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134) subject to conditions voluntarily proffered by the property owner. The parcel is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of October, 2000, that Application No. ZM-52-00 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134) subject to the conditions voluntarily proffered by the property owner as set forth in the proffer statement and listed below. The parcel is further identified as Assessor's Parcel No. 37-(24)-A.

1) The property shall not be used for the following land uses:

- a) Carry-out Restaurant
- b) Convenience Store

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Mr. Simasek then moved the adoption of Resolution PC00-25 to recommend approval of the use permit, which motion carried unanimously, 6:0.

Resolution PC00-25

On motion of Mr. Simasek, which carried 6:0 (Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. UP-561-00 FOR A USE PERMIT TO ESTABLISH AN EXERCISE FACILITY ON 0.7 ACRE OF PROPERTY LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134)

WHEREAS, Pyong Tuk Ko has submitted Application No. UP-561-00 which requests a use permit, pursuant to Section 24.1-283 (Category 9, No. 2) of the York County Zoning Ordinance, to authorize establishment of an exercise facility on .7 acre of property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been forwarded to the Planning Commission; and

WHEREAS, the Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has carefully considered the public comments and the staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 11th day of October, 2000, that it does hereby forward Application No. UP-561-00 to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize the establishment of an exercise facility on the property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A, subject to the conditions set out herein.
2. All off-street parking and loading space shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.
3. Outdoor lighting shall be directed away from property lines and rights-of-way and shall not cast objectionable glare on adjacent properties or streets. All external lighting, including security lighting, shall be full cutoff fixtures.
4. Existing trees on the site shall be retained as a buffer between the development and the Edgewood subdivision.
5. A site plan prepared in accordance with Article V of the York County Zoning Ordinance must be approved prior to obtaining permits for site and building modifications.

6. Freestanding signage shall be limited to one (1) ground-mounted monument type sign.
7. Graphic art painted on the sides of the building shall be considered as signage for the purposes of calculating the permitted sign area in accordance with Section 24.1-702 and Section 24.1-703 of the Zoning Ordinance.
8. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.
